

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

October 11, 2006

8:00 PM

CALL TO ORDER

Council President Fratinardo called the meeting to order.

SUNSHINE STATEMENT

The Township Clerk read the Opening Statement: Notice of this meeting has been given in accordance with the Open Public Meetings Act. Notice was published in the Burlington County Times on January 8, 2006; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Frank Baldorossi, Bruce Garganio, Elizabeth Ryan, Jerry Sandusky, John Fratinardo

Also Present: Mayor Michael Muchowski; Richard A. Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer; Russell Trice, Township Water and Sewer Engineer; William John Kearns, Jr., Township Solicitor; Joy Weiler, Township Clerk

PUBLIC COMMENT

The owner of the Chinese Restaurant at 310 Broad Street heard that another Chinese Restaurant is opening on Front Street. He stated that he is a small business and this is a small town. He expressed concern that if another Chinese Restaurant opens he will not have enough business. Mayor Muchowski explained that just because he is a business in town, the governing body cannot stop another business that has the right, as you, from operating in the community. Unfortunately, it can be difficult in a small community when a like business opens up; it is their right to operate in that location. Any business that meets the proper zoning requirements or Certificate of Occupancy requirements is entitled to operate within the community. Administrator Brook reiterated that they are permitted to operate in the community; there are no restrictions on the number of like businesses in the township.

All residents having an opportunity to be heard, MOTION by Garganio; seconded by Ryan to close the public portion of the meeting. All ayes - motion carried.

TOWNSHIP WATER AND SEWER ENGINEER

Tall Pines Water and Sewer: Current Estimate No. 4 and Change Order No. 3

Russell Trice, Township Water and Sewer Engineer, reviewed and recommended Current Estimate No. 4. This is 98% of their payment; 2% is being retained to be sure that all the punch list items are cleaned up and taken care of. He also reviewed and recommended Change Order No. 3, which is a deduction. A Resolution will be prepared for next week's meeting.

Water Allocation: Administrator Brook's Memo

Mr. Trice stated that this has to do with Waste Management's, Leggette, Brashears and Graham's comments. He explained that Leggette, Brashears and Graham's determined that there was a very minor effect on one of Waste Management's wells near their landfill created by the township pumping new Well No. 6. Waste Management, by looking at the data that Leggette,

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Brashears and Graham put together and their own data, believes that the effect is entirely attributable to tides or changes on barometric pressure. Mr. Trice questioned Leggette, Brashears and Graham carefully on this issue and they are still sure of their conclusion and do not want to change it. At this point Mr. Trice advises to have Waste Management sit and wait and see what the DEP geologist says. If there is a problem, then Waste Management can add some data to back up the township. Administrator Brook believes that no matter what the township does, Waste Management is going to want to go on the record with DEP saying there is no effect at all, which helps the township's position from a Water Allocation standpoint. Council Member Ryan asked why Waste Management was contesting if it was so minor? Administrator Brook believes it is from their private corporate standpoint of having a landfill along the river. They do not believe there was any breach or impact whatsoever, no matter how minor and could not have happened; it was a fluke. Leggette, Brashears and Graham would not take into consideration the fact that, in Waste Management's opinion, it did not happen. Council Member Garganio believes they are arguing the point because if anything ever shows up in the wells and that report, which states that it touches, is approved, they would have liability. The old report says nothing ever crossed over. Mr. Trice stated that Waste Management is not going to change their position. Administrator Brook reported that Leggette, Brashears and Graham stated that if Waste Management is right and they are wrong, it only supports the township's position. Administrator Brook believes that the presentation Leggette, Brashears and Graham gave to Council in August was a positive one.

Council Member Garganio asked what the process will be if DEP questions this? Mr. Trice explained that DEP will take Leggette, Brashears and Graham's report and run it through their own model and analyze it themselves. DEP will come up with their own conclusion to see if it supports Leggette, Brashears and Graham's conclusion. Administrator Brook reiterated that Leggette, Brashears and Graham indicates that it is such an insignificant amount or draw that it would not impact the Water Allocation but they felt it would be inappropriate to remove from their report. Waste Management does have a right to submit their concerns to DEP. Mr. Trice reminded Council that this was an independent study that the township had done on their own and was not done to back up a Water Allocation Application.

Well No. 3 Redevelopment: Current Estimate No. 3 (Final) and Change Order No. 2

Mr. Trice reviewed and recommended payment of Current Estimate No. 3. This is the final payment. He also recommends the quantity adjustment Change Order, which is a deduction. All work is complete. A Resolution will be prepared for next week's meeting.

TOWNSHIP ENGINEER

Giancola: Maintenance Bond Release

Dan Guzzi, Township Engineer, reviewed and recommended the release of the Giancola Maintenance Bond. Inspections showed that everything is fine. A Resolution will be prepared for next week's meeting.

Parks/Recreation Projects: Current Estimate No. 3

Mr. Guzzi reviewed and recommended payment of Current Estimate No. 3. This does not include a bulk of the Marter Park work. A Resolution will be prepared for next week's meeting.

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Administrator Brook questioned if a final decision was made on the Roebling Park tennis courts? Mayor Muchowski does not believe a final decision was made. The need for parking at the park was discussed. It does not appear that all of the new parking spaces there are utilized. It is mainly a walk up park. Council decided on green space. The courts will be removed and the area will be top soiled and seeded. It can be revisited in the future.

DELAWARE AVENUE FIREHOUSE: REZONING REQUEST

Administrator Brook explained that the owners of the Delaware Avenue Firehouse were here this evening to request that the governing body consider rezoning the firehouse property on Delaware Avenue to Neighborhood Commercial (NC).

Thomas Fallon introduced himself and his partner, Leonard Ostroski of 501 Delaware Avenue, LLC. They recently purchased the Delaware Avenue Firehouse with the thoughts of developing it into a commercial retail site. Mr. Fallon gave some of the reasons he believes converting it into a NC Zone would be a benefit, such as: higher tax ratable for the township. It will be a quieter use then when it was a firehouse; the building would be brought up to code when it is renovated. Mr. Fallon believes that as a firehouse, the building was used as a commercial use in the past and also believes that the building would be best suited to continue as a commercial use that would benefit the local residents. Mr. Fallon stated that they hired a planner to see what would be best for the building and they all agree that NC would be best for the local residents and the condition of the building. They would be able to have the building occupied much quicker using it as a commercial use opposed to converting it to a residential use. Mr. Fallon stated that if it were NC it would be consistent with the new Urbanism Zone, where they are trying to create more local business within a residential area to make it easier for local residents to walk to local businesses. He stated that he and Mr. Ostroski are willing to work along with the Planning Board and the township in the renovation of the building to create something that would be acceptable to everyone. They also look favorably on inviting the local resident's input.

Mayor Muchowski stated that NC can have some more intense uses and some less intense uses and suggested that the township may be better served by leaving it as a residential use and Mr. Fallon and Mr. Ostroski applying for a use variance. The fence and the parking lot of the firehouse are literally feet off an adjacent residential property. There are no other NC uses in that area. He asked Mr. Fallon why not take the path of applying for a use variance? Mr. Fallon responded it might discourage potential good tenants because they would not be able to just walk in and turn the key. They would have to wait for variances. Mayor Muchowski explained that site would not meet zoning and set back requirements as it exists and they would have to take that path regardless. Dan Guzzi, Township Engineer, agreed because it was never a commercial use; a change of use will trigger a site plan. Mr. Fallon explained that they are looking for light commercial use such as, daycare or possibly a convenience store. He asked that the governing body consider their request and thanked them for their time. Mayor Muchowski suggested that Mr. Fallon and Mr. Ostroski would be better served coming in having a tighter focus on their thoughts. Council or the appropriate board can better review and give some commentary back. Mr. Fallon thanked Mayor and Council.

ASSISTANT MUNICIPAL ADMINISTRATOR

Parking Regulations: Walnut Court and Summer Street

Assistant Administrator Sahol along with Chief Gordon Dawson looked at the parking problems on Walnut Court and Summer Street. Assistant Administrator Sahol first reviewed recommendations for parking restrictions on Walnut Court. Council in agreement with the recommendation to restrict parking on the North side for a distance of 400' from the intersection inbound.

Assistant Administrator Sahol explained that the section of Summer Street behind the recreation complex was never included in the Vehicles and Traffic Ordinance. In order to enforce it needs to be added. The recommendations allow for a fair amount of on street parking while keeping one side of the roadway open for egress from the park.

An Ordinance will be prepared for parking restrictions on both Summer Street and Walnut Court.

Mayor Muchowski discussed cars parking in the grass even though there are signs stating not to park in the grass. A barrier may be needed to delineate the field from the parking lot. Assistant Administrator Sahol stated that the township does have large rocks that can be put in the trouble spots. They are large enough that a car would not be able to drive over. Council Member Garganio suggested checking into the cost of bollards and curb the whole thing through the road program. Run off may be a problem. Assistant Administrator Sahol stated that it would be possible on Summer Street but not the parking lot. Citations will be issued to vehicles parked in the grass. Council Member Ryan suggested including the penalty on the signs.

Movies and Concerts

Assistant Administrator Sahol surveyed the community on their take of a Movie and Concert Program, which went very well. All responses were positive. The overwhelming majority would like the program to be held at Wilkie Park and Riverside Avenue. Now is the time to start looking into the program for next year and include as a budget item in the Recreation Department. There are some possibilities for return that can be discussed at a later date. The estimate to hold the events is \$7,255.

Mayor Muchowski discussed the Summer Recreation Camp and that it is not becoming self-sufficient. It is something that needs to be discussed at budget time.

Assistant Administrator Sahol explained that a company would come in with the projectors, speakers and so forth and run the movies. The DVD would be delivered to the township with movie rights. Fund raising opportunities may be available to the various organizations in town.

Discussion took place regarding an indoor movie night in the future at the Community Center at the Roebling Firehouse. Council Member Garganio suggested that the school's TV/Film may like to be involved.

Mayor Muchowski questioned whether the school was going to begin televising events on Channel 19? Discussion followed regarding televising various areas of the community and showing improvements or work that is being performed. Council Member Garganio would like to see a variety of events, not the same event over and over.

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2007 Patriotic Day

Assistant Administrator Sahol explained that it is difficult to have an easy to follow route that is the correct distance in Roebling for the 5k Run. He suggested that a route be established and used every year. Mayor Muchowski stated that last year a service was used for the run, which increased the number of participants. A runner's club participated last year that take it seriously and gave some good ideas for future runs, such as course and distance markings. Various routes were discussed. Assistant Administrator Sahol will map off the suggested routes but would like to stay off of Delaware Avenue.

Assistant Administrator Sahol stated that a good distance for the parade route is one and a half (1 ½) miles and gave a suggestion of stepping off Grove Street onto Delaware Avenue to Hornberger Avenue to Second Avenue to Main Street ending at the VFW. Mayor Muchowski asked how the Railroad Avenue staging area worked last year? Assistant Administrator Sahol stated that it was not bad at all. Discussion followed regarding staging on Railroad Avenue and the various routes that could be taken from there. Assistant Administrator Sahol stated that it is best to keep the staging area condensed.

A discussion took place as to whether to hold the fireworks in Florence or Roebling. The fireworks were held in Roebling in 2005 for Roebling's Centennial and it came together very well but it took much more work. Because of the significance of the Centennial, there were many volunteers to help, which may not be the case if the fireworks are held in Roebling in 2007. Permission to use the steel mill site would have to be granted by Preferred. Assistant Administrator Sahol and Mayor Muchowski will look into and report back.

Assistant Administrator Sahol stated that a decision on the Grand Marshal, theme and who the proceeds from the run would benefit could be determined at a later date. He would like a decision the beginning of the 2007 New Year so mailings could begin to go out.

2007 CDBG Application: Preliminary Application Due 12/15/06

Assistant Administrator Sahol stated that the County would like a preliminary application by December 15th so they can start their funding requests from the federal government. The project will need to be decided on so Mr. Guzzi can begin getting estimates and a reasonable application can be put together. Before the application is filed it must be advertised. Also a public hearing and comment period must be held.

Assistant Administrator Sahol gave some suggestions, which include handicapped accessible ramps and restrooms in the Roebling Library. Council Member Ryan questioned if any projects could be done in the vicinity of Maplewood Homes? Assistant Administrator Sahol stated that Maplewood Homes is not eligible because they receive federal funding. They can make an application to CDBG. Estimates will be obtained for all suggestions.

Driveway Opening Regulations

Assistant Administrator Sahol suggested that regulations be set for the installation of new driveways. There is more work to be done but provided ideas for Council to review. A permit would have to be obtained and a bond posted for a curb cut.

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Roebling Circle

Mayor Muchowski reviewed what needs to be done at the Roebling Circle in order for the Roebling Garden Club to have the statue installed. The electric, a flagpole and the "Keep Right" sign would need to be relocated. The Roebling Historical Society put up four (4) flagpoles and they will have to be notified that one (1) needs to be removed. Flags have not been flown for quite awhile. Council Member Ryan asked if the statue is a reality? Assistant Administrator Sahol stated that the making of the statue is under way and members of the Roebling Garden Club have gone to look at it. Council in agreement for the improvements to be done for placement of the statue. Assistant Administrator Sahol stated that the statue may impede the placement of the Christmas Tree lights. The Garden Club and Historical Society will have to work together.

Coast Guard Lights

Assistant Administrator Sahol stated that the Coast Guard does not have a lease agreement with the township for the light in the Roebling area. The Coast Guard provided the language and a Resolution will be prepared for next week's meeting.

ROEBLING PLANT

Council Member Garganio asked if a tour of the plant could be arranged within the next month before it gets cold. A tour will be arranged.

COUNTY ROAD CREW ASSISTANCE

Assistant Administrator Sahol contacted the County Supervisor of Roads, who authorized their crews to work with the township on removal for three (3) days.

WALTER KOTCH MEMORIAL

Assistant Administrator Sahol discussed relocating the Walter Kotch Memorial, which can be done in house. He stated that the Police Officers Association suggested a small paver area, ceramic planters for seasonal flowers, Police Officers Memorial Flag and the United States Flag. The pavers could be in the shape of the Police Department patch. Assistant Administrator Sahol suggested relocating directly outside of the Chief of Police's window, which is the far left hand side corner. Mayor Muchowski would like a review of the building expansion done before a definite decision is made.

COAH: SINGLE LOTS

Administrator Brook discussed the possibility of the municipality doing some form of a payment plan if a resident were to build a new house and live in it with his/her family. He asked Solicitor Kearns to look into the legal aspects of a payment plan. Solicitor Kearns believes it is possible. A standard set of terms would have to be set and an agreement signed. Mayor Muchowski questioned what would happen in the case of default? Solicitor Kearns has to research further but a lien could be put on the property or they would sign the mortgage as security. This would be for a single family, owner developed and occupied home. Solicitor Kearns and Administrator Brook will work on a draft.

TAX REFORM

After a discussion with several State representatives, Council Member Ryan reported that the State of NJ is very serious regarding property tax reform and shared services. They are looking at efficiencies, school districts and sizes. Mayor Muchowski has been giving it some thought and

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doesn't believe that Florence Township could be a merge candidate. Council Member Ryan stated that the State is looking into increased regionalization of school districts. Mayor Muchowski reviewed the various shared services that the township currently participates in.

Solicitor Kearns stated that there is a serious proposal being discussed of having a statewide referendum to transfer functions such as Tax Assessor and Tax Collector to the County. There is also talk of having a Base Closing Commission that would decide on towns that would have to consolidate. This is all being discussed very seriously. Council Member Garganio believes the ultimate goal is to merge and save on the administrative end. Mayor Muchowski asked Council if they would like to take a harder look into the sharing of services locally? Council Member Ryan believes it will be larger than local sharing of services; she believes it will municipalities merged together and schools merged together.

T-MOBILE LEASE

Council in agreement to move forward with the T-Mobile Lease.

WHITESSELL

Administrator Brook reported that the first building is up, the second building is under construction and they will be seeking a permit in the next couple of days for the third building. The tax abatement application will formally be moving forward.

WAREHOUSE STRUCTURES

Administrator Brook stated that Whitesell will be constructing a building that is 77.5' in the air. The cost of the permit fee schedule will be \$565,000 under the current Ordinance. Whitesell is asking that Council consider adjusting the fee schedule so it will be more in line with the number of inspections and the amount of manpower hours that the township will be putting into this particular job. Mayor Muchowski explained that the current inspection fees are based on cubic feet. Administrator Brook put together some numbers that he presented to Whitesell. Whitesell will be responding with their comments tomorrow. He did not meet their ultimate goal but he believes he came to a fair standard. Administrator Brook stated that the schedule will hold up under the scrutiny of the NJ Department of Community Affairs. Once he receives Whitesell's response he will report to Mayor and Council by email.

BOND COUNCIL

Administrator Brook provided a list of those that submitted proposals for Bond Council. He will prepare a chart for discussion at next week's meeting.

10:15 PM MOTION by Ryan, seconded by Sandusky to adjourn to Closed Session. Action may follow Closed Session. Roll call vote - all ayes.

ADJOURNMENT

10:15 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

Note: No action taken following Closed Session.

/mab